

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**JAMES M. KITCHENS**

**PLAINTIFF**

v.

**CIVIL ACTION NO.: 2:10cv273-KS-MTP**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**DEFENDANT**

**ORDER**

This cause comes before the Court on defendant's Motion to Affirm the Decision of the Commissioner [9], and on the plaintiff's Motion for Judgment on the Pleadings [7] seeking either a reversal of the Commissioner's decision and a reward of benefits or, alternatively, a remand of the case for further administrative proceedings.

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation [11] of United States Magistrate Judge Michael T. Parker, and the failure of any party to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as the Court's opinion in this matter.

**IT IS THEREFORE ORDERED** the Report and Recommendation of Magistrate Judge Michael T. Parker entered on June 20, 2012, be, and hereby is, adopted in whole pursuant to 28 U.S.C. § 636(b)(1) as the finding of this Court. Accordingly, for the reasons set forth in the Magistrate Judge's Report and Recommendation, it is

**ORDERED** that the Commissioner's Motion for an Order Affirming the Decision [9] be, and hereby is, **GRANTED**; and Plaintiff's Motion for Judgment on the Pleadings [7] be, and hereby is, **DENIED**.

**SO ORDERED AND ADJUDGED** on this, the 11th day of July, 2012.

*s/ Keith Starrett*

UNITED STATES DISTRICT JUDGE